

CITY OF NEWBERG CITY COUNCIL MINUTES
APRIL 20, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET

Work Session was held prior to the meeting. A presentation on City of Newberg Recodification Project was given. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Bart Rierson	Stephen McKinney	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
	Howard Hamilton, Public Works Director	Jennifer Nelson, Recording Secretary

Others

Present: Sharron Caputo, James Bush, Diane Oaks, Jonia Pierce, Denise Holland, Jennie Delp, Jerry Eichten, Marc Willcuts, Mart Storm

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2009-2835** accepting the city attorney's 2008 evaluation.
2. Consider a motion approving a proclamation declaring April 20, 2009, George Fox University Woman's Basketball Day.
3. Consider a motion approving a proclamation declaring April 19-25, 2009, as Week of the Young Child.
4. Consider a motion approving City Council Minutes for March 16, 2009.

MOTION: Rierson/Larson to approve **Resolution No. 2009-2835**, a proclamation declaring April 20, 2009, George Fox University Woman's Basketball Day, a proclamation declaring April 19-25, 2009, as Week of the Young Child, and the City Council Minutes for March 16, 2009 as amended. (7 Yes/0 No) Motion carried.

Mayor Andrews read a proclamation and presented medals to recognize the George Fox University Women's Basketball Bruins for their achievement of becoming the 2009 NCAA Women's National Champions.

Ms. Sharron Caputo, Yamhill County Health and Human Services Department, spoke about the Week of the Young Child and honoring all those who make a difference in the lives of young children. Mayor Andrews read a proclamation declaring the week of April 19-25, 2009 as the Week of the Young Child.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, discussed the draft budget document and the first budget meeting on May 7, 2009. He also mentioned the Newberg Fire Department Pancake Breakfast on May 3rd.

V. PUBLIC COMMENTS

Mr. James Bush inquired about speed enforcement in school zones and what the speed limit is around Edwards Elementary School after hours and during the summer.

Mr. Danicic replied the speed limit is as posted during non-school times and if there is no posting then it is generally 25 mph within a residential zone.

VII. PUBLIC HEARING

1. Public Hearing to receive public testimony on the Housing Rehabilitation Grant as directed by the grant application.

TIME – 7:25 PM

Mayor Andrews called for any conflicts of interest or abstentions. None were stated.

Mr. Barton Brierley, Planning and Building Director, presented the staff report (see official meeting packet for full report).

Mayor Andrews opened the public testimony.

Ms. Diane Oaks reported the money from the Housing Rehabilitation Grant has been spent on six loans, assisting with repairs such as window insulation and roofing for homeowners that may not have been able to complete those projects without this grant. She thanked the Council for their assistance with applying for this grant.

Councilor Bart Rierson said this sounded like a successful program and he would like to see it repeated again in the future.

Ms. Oaks stated they can apply once a year as long as they can show interest with a minimum of twenty-five applicants with specific needs.

Councilor Marc Shelton spoke of incentives discussed in the Affordable Housing Ad Hoc Committee and wondered if this were something that can be used for homeowners to make improvements for rental property.

Ms. Oaks replied this particular grant is designed for low to moderate income homeowners to complete repairs at their primary residence; it is not designed for landlords renting homes.

Ms. Denise Holland stated she was one of the recipients of the grant loan and listed some of the repairs she was able to complete as a result. She mentioned some local contractors she was able to utilize during the process.

Ms. Jennie Delp also took part in the program to complete repairs to her family home and increase the value of the residence. She spoke of her experience and listed several improvements she was able to make and her satisfaction with being able to complete those projects without taking on a higher interest loan and being able to put some of that money back into the community.

Mayor Andrews closed the public testimony. Staff mentioned programs similar to this one will be pursued for renters that do not qualify for this grant. The public hearing was closed.

2. Consider a motion approving **Ordinance No. 2009-2713** revising portions of the City Code Chapter 51 on Sewers.

TIME – 7:37 PM

Mayor Andrews called for any conflicts of interest or abstentions. None were stated.

Mr. Howard Hamilton, Public Works Director, presented the staff report (see official meeting packet for full report).

Mayor Andrews opened and closed the public testimony as no citizens appeared to testify. He discussed an error with staff on page 71 concerning a reference to exhibit A that should be exhibit B. Changes were noted and corrected. Staff recommended approval. The public hearing was closed.

MOTION: Larson/Shelton to approve **Ordinance No. 2009-2713** revising portions of the City Code Chapter 51 on Sewers, as amended and read by title only. (7 Yes/0 No) Motion carried.

VIII. CONTINUED BUSINESS

Consider a motion approving **Order No. 2009-0020 and Ordinance No. 2009-2712** annexing property located at 30295 Highway 99W and future comprehensive plan change/zone change upon inclusion in the Urban Reserve Area (McClure property).

TIME – 7:45 PM

Mayor Andrews reopened the hearing and called for any biases, conflicts of interest, ex parte contact, conflicts of jurisdiction, or abstentions. He discussed an article in The Newberg Graphic and a letter to the editor by Roger Currier that may have been read by Council and is considered ex parte contact. He stated that he did read the article.

Councilor Stephen McKinney stated he also read the article.

Councilor Denise Bacon said the article was placed in the Council Packet and everyone received it.

Mr. Terrence Mahr, City Attorney, offered an explanation of to the process for ex parte contact, which is why the hearing was reopened this evening, to allow for rebuttals, place the information into the record, and giving Councilors the opportunity to declare the ex parte contact.

Mr. Brierley stated the hearing was held two weeks ago with a tentative motion to approve and a request for staff to return with the revised findings; as this has been done he recommended adopting the order and the ordinance.

Mayor Andrews asked if there was anyone present who wished to rebut the ex parte contacts. None appeared. The public testimony was opened and closed. No additional written testimony was received. The public hearing was closed.

MOTION: Shelton/Larson to approve **Order No. 2009-0020** which meets the applicable land use planning code criteria for annexing property located at 30295 Highway 99W and changing the comprehensive plan and zone designations upon inclusion in the Urban Reserve Area (McClure property). (7 Yes/0 No) Motion carried.

MOTION: Larson/Rierson to approve **Ordinance No. 2009-2712** annexing the property located at 30295 Highway 99W, referring the matter to a public vote, and directing the City election officer to certify to the Yamhill County Clerk a ballot title for the measure to be submitted to the electorate. (7 Yes/0 No) Motion carried.

IX. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2009-2837** authorizing the city manager to enter into a contract with AHA Consulting, Inc. for the redesign of the City's website.

TIME – 7:53 PM

Mr. Dave Brooks, IT Director, presented the staff report (see official meeting packet for full report).

Councilor Bob Larson asked if City staff will have to do everything on the new website. Staff replied the consulting company would create the initial engine and design but after that the City would own the site and all changes and maintenance would be completed by staff.

Councilor Rierson said this was a great opportunity to get better information to the public which is one of the Council's goals.

Councilor Shelton asked about the funding coming from the cable TV fund and if this website would be able to broadcast video if that becomes available. Staff discussed bandwidth capabilities. Councilor Shelton spoke about those citizens who watch the Cable TV fund closely and improving the website is not the same as creating cable accessibility.

Councilor Witherspoon asked staff if there was any way of completing these upgrades incrementally. Staff replied a few features can be eliminated to reduce costs up to \$5,000 but explained the engine itself is outdated, which attributes to the bulk of the quote.

Mr. Jerry Eichten stated he is not against the improvements to the website; however, he is concerned for the monies from the Cable TV fund being used without the original intent of that fund being fulfilled,

which may weaken the City's bargaining position during franchise negotiations. He said he would like to see the public access channel utilized somehow even if live video feeds cannot be done. He suggested purchasing a personal computer with PowerPoint to run graphic announcements and information through the government access TV channel. He felt this would be a low cost way to use these funds in conjunction with the website upgrades while fulfilling the intended purpose for those funds.

Discussions followed about the feasibility for doing this and the benefits of communicating with citizens without internet access were noted.

MOTION: Rierson/Larson to approve **Resolution No. 2009-2837** authorizing the city manager to enter into a contract with AHA Consulting, Inc. for the redesign of the City's website and a request for staff to come back with a proposal to set up a PC with PowerPoint to run auxiliary information on the government access TV channel. (7 Yes/0 No) Motion carried.

2. Consider a motion approving **Resolution No. 2009-2838** rescinding authority of the city manager to proceed with acquisition of a parcel located at 2801 Wynooski Street.

TIME – 8:21 PM

Mr. Mahr presented the staff report (see official meeting packet for full report).

MOTION: Larson/Shelton to approve **Resolution No. 2009-2838** rescinding authority of the city manager to proceed with acquisition of a parcel located at 2801 Wynooski Street. (7 Yes/0 No) Motion carried.

3. Consider a motion approving **Resolution No. 2009-2839** granting the reduction in permit fees for the Orchard Lair Phase 2 Subdivision.

TIME – 8:26 PM

Mr. Brierley presented the staff report (see official meeting packet for full report).

Councilor Shelton asked if there were any other builders that submitted applications but did not pull permits. Staff stated there were ten outside of this for higher end homes which would not meet the conditions established by staff that they be only during the 2007 year for low or moderate income families to be built within this month; they will not be going back to give refunds either. Councilor Shelton asked if the concessions would be recouped. Staff stated they would if the homes are built, but no funds would be received if the ground sits empty for three years.

Councilor Larson asked if all seventy-four homes planning to be built in Orchard Lair are in the category of affordable. Staff stated they all will be and discussed how it would affect the 2009-10 and 2010-11 budgets with additional 26,000 in property taxes over the next two years the City would not otherwise have.

Councilor Shelton said that other permit holders may have made different decisions regarding pulling permits and asked if they had been notified of the same conditions. He wanted to make sure people were being treated equitably by notifying them.

Councilor Larson stated he would not want to extend this to all permits, only those providing affordable housing.

Mr. Mark Willcuts, Coyote Homes, Inc., spoke of fees and their percentage of the budget when trying to make a home affordable and the lease to own option providing the opportunity to have \$8,200 given back to the house buyer at closing, since they will be paying property taxes and HOA fees while the perspective buyers bring up their credit scores during the lease period; hopefully in time to receive the tax credit as well. He stated all 74 homes were within the USDA program ranging from \$186,900 to \$229,900 with an average cost of about \$210,000.

Mr. Mart Storm stated he is a builder and developer of the property directly adjacent to Orchard Lair. He was in agreement with most of what has been proposed except that had he known there would be a possibility of building at the 2007 fee schedule, he would have made different decisions when he pulled his own permits. Without this information, he only pulled what permits he felt he could reasonably afford to build and sell at that time; he feels this places him and others at a disadvantage now because they cannot fit into the window of criteria proposed by staff. He supports the proposal for the Orchard Lair project, but he is concerned this puts him at a significant pricing disadvantage especially since he is building right next to this project. He felt the same standards should be offered to others who are able to build affordable housing within a short time frame as well with the lower fees.

Councilor Larson asked him if he could also build affordable houses on his lots.

Mr. Storm felt he could as well if he was given the same lower fees. His homes currently range from \$209K to \$279K with most below \$249,900 which is still at USDA standards.

Councilor McKinney asked how many lots he had.

Mr. Storm replied he had sixty with thirty-two not built on yet. Eight have been sold already.

Councilor Shelton mentioned again the need for all to have access to the same information. He is not as concerned if the homes being built are affordable as much as he is concerned that builders are making decisions that affect those living and working in Newberg; many depend on that local employment and everything needs to be equitable.

Mayor Andrews asked Mr. Storm how many people he employs locally.

Mr. Storm replied he uses the same mixture of subcontractors as Coyote Homes and reflects the same number of local workers (approximately 200) but just not as often; he uses them proportionately.

Councilor Rierson offered his support for the proposal and spoke of the need for incentives to builders to provide affordable housing in Newberg, reducing fees is one way to achieve that. He felt it was fair for more expensive homes to pay higher SDC fees. He would like staff to come back with a way to provide the same incentives for others willing to build to meet affordable housing requirements.

Councilor Bacon offered her support for the proposal and noted Coyote Homes has been building affordable homes before this while paying the full fees.

Councilor McKinney was also in favor especially because there is a specific short time frame. He felt if Mr. Storm could come up with a similar proposal by the end of the month, he would be given the same consideration. He liked the idea of taking action to extend the courtesy to others.

MOTION: Larson/McKinney to approve **Resolution No. 2009-2839** granting the reduction in permit fees for the Orchard Lair Phase 2 Subdivision. (7 Yes/0 No) Motion carried.

MOTION: Rierson/Andrews to direct staff to prepare a fee reduction proposal for affordable housing development for the June 15, 2009 meeting. (6 Yes/1 No [Larson]) Motion carried.

X. COUNCIL BUSINESS

TIME – 9:35 PM

1. Consider a motion authorizing appeal of the DLCD Remand of Newberg's Urban Reserve proposal.

Mr. Brierley presented the staff report (see official meeting packet for full report).

Councilor Rierson supported the appeal because of the fact there were people who were vehemently opposed to being annexed into the City, while others wanted to be. He understands certain lands need to be brought in before others, but you also cannot force people to become a part of the City if they do not want to.

MOTION: Shelton/Larson to approve a motion authorizing appeal of the DLCD Remand of Newberg's Urban Reserve proposal. (7 Yes/0 No) Motion carried.

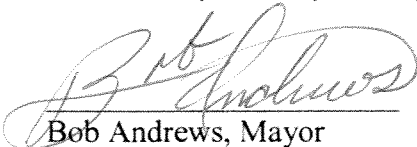
XI. ADJOURNMENT

MOTION: Witherspoon/McKinney to adjourn at 10:02 PM (7 Yes/0 No) Motion carried.

ADOPTED by the Newberg City Council this 18th day of May, 2009.


Daniel Danicic, City Recorder

ATTEST by the Mayor this 21st day of May, 2009.


Bob Andrews, Mayor